



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, DECEMBER 01, 2009

MINUTES

Mayor	Maher Maso	Present
Mayor Pro Tem	Jeff Cheney	Present
Deputy Mayor Pro Tem	Bob Allen	Present
Council Member	Pat Fallon	Present
Council Member	Scott Johnson	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

CALL TO ORDER

Mayor Maso called the meeting to order at 5:30 p.m. and announced a quorum was present.

1. ROLL CALL

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Development Services Dev Coordinator, Scott Ingalls; Director of Engineering Services, Paul Knippel; Director of Library Services, Shelley Holley; Director of Finance, Anita Cothran; Director of Parks & Recreation, Rick Wieland; Assistants to the City Manager, Ben Brezina, John Eaglen, and Daniel Ford; City Attorneys, Richard Abernathy and Bob Roeder; City Secretary, Jenny Page and Captain Darren Stevens.

CLOSED SESSION

Pat Fallon moved to Recess into Closed Session at 5:32 p.m. Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:
 - A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Receive legal advice regarding and possible settlement of Case No. 09-0069; City of The Colony, Texas vs. North Texas Municipal Water District and City of Frisco, Texas; In the Texas Supreme Court.
 - ii. Receive legal advice regarding intervening in Cause No. 296-04045-2008 in the case styled Roughriders Baseball Partners, L.P. v. HKS, Inc, et al., pending in the 296th Judicial District Court in Collin County , Texas
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. South of US 380, North of The Colony city limits, East of FM 423, and West of Hillcrest Road.
 - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Scott Johnson moved to Reconvene into Regular Session and take any action necessary as a result of the Closed Session at 6:30 p.m. Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso announced there was no action to take in regard to items discussed in Closed Session

INVOCATION

Council member David Prince led the invocation.

PLEDGE OF ALLEGIANCE

Boy Scout Pack 1290, Den 4, first graders from Corbell Elementary and Bledsoe Elementary led the audience in United States and the Texas Pledge of Allegiance.

PROCLAMATIONS

4. Dr. Paul H. Reyes, Medical Director of the Frisco Cares Clinic

Mayor Maso presented a Proclamation to Dr. Paul H. Reyes, Medical Director of the Frisco Cares Clinic and proclaimed December 1, 2009 as "Dr. Paul H. Reyes Day" in recognition of his volunteerism and contributions to the Frisco Cares Clinic and residents of Frisco. The original class of Leadership Frisco sponsored the Clinic and representatives of the Class 13 were present to honor Dr. Reyes.

REPORTS

5. Parks & Recreation Monthly Report regarding Park & Trail Development, Facilities, Special Events and Youth Development

Parks & Recreation Director, Rick Wieland, presented a report on Park & Trail Development, Facilities, Special Events, and Youth Development.

6. Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

Engineering Services Director, Paul Knippel presented Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

7. Library Report on usage and programming activities

Library Services Director, Shelley Holley presented the Library Report on monthly usage and programming activities.

Mayor Maso skipped to the Consent Agenda since it was not yet 7:30 p.m.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

Kristen Heath, 8780 3rd Street, Frisco, representing Frisco Family Services gave a brief State of the Agency and outlined services provided.

Mayor Maso skipped back to Item 24.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Engineering Director Paul Knippel requested that Items 17 and 18 be pulled for correction.

Jeff Cheney moved to pull Items 17 and 18 from the Consent Agenda. Scott Johnson seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Paul Knippel explained that Item 17 referenced a 15 acre tract that should be 6.32 acres. Item 18 was correct but was related to Item 17 and he would like for them to be discussed together.

Bob Allen moved to approve Item 17 with the adjustment of 6.32 acres. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Jeff Cheney moved to approve Items 8 - 16 and 18 - 20. Scott Johnson seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

8. Consider and act upon approval of the Minutes from the November 17, 2009 Regular City Council Meeting (CSO/J Page)

9. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Termination and Release of Impact Fee Agreement by and between the City of Frisco and Cineco Cinema Corporation for property located on the northwest corner of Preston Road and Hickory Street. (Development Services/SI) 09-12-220R
10. Consider and act upon a resolution authorizing the City Manager of the City of Frisco, Texas to execute an interlocal cooperation agreement by and between the City of Frisco and the County of Denton for Fire and Ambulance services. (FIRE) 09-12-221R, 09-12-222R
11. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number Two to the Professional Services Agreement by and between the City of Frisco and Terra-Solve, Inc. for Environmental Assessment and Remediation Services for three sites on Main Street (John Elliott to Fourth Street) (Engineering Services/EDM). 09-12-223R
12. Consider and Act Upon Resolution Amending the Authorized Representatives for the City's Legacy Bank Accounts (Financial Services/AC) 09-12-224R
13. Consider and Act Upon Resolution allowing the City Manager to Amend the Authorized Representatives for the City's TexPool Investment Accounts (Financial Services/AC) 09-12-225R
14. Consider and Act Upon Resolution allowing the City Manager to Amend the Authorized Representatives for the City's TexStar Investment Accounts (Financial Services/AC) 09-12-226R
15. Consider and act upon a recommendation by the Parks and Recreation Board to adopt a master plan for Youth Center Park. (Parks/JED)

John Doshier, Parks Project Manager, presented to Council a recommendation by the Parks and Recreation Board to adopt a Master Plan of the Youth Center Park.
16. Consider and act upon awarding a bid and approve a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and C.R. Reynolds, Inc. for construction of B.F. Phillips Community Park, Phase 2. (Parks/JED) 09-12-227R
17. Consider and act upon a Resolution authorizing the City Manager to execute a Development Agreement with McKinney Towne Crossing, L.P. for the construction of a traffic signal on Custer Road (FM 2478) at the existing northern median opening that serves both the McKinney Towne Crossing development to the east and the Custer Bridges development to the west (Engineering/BM). 09-12-228R

18. Consider and act upon a Resolution authorizing the City Manager to execute a Development Agreement with Custer Road Marketplace, LTD. for the construction of a traffic signal on Custer Road (FM 2478) at the existing northern median opening that serves both the McKinney Towne Crossing development to the east and the Custer Bridges development to the west (Engineering/BM). 09-12-229R
19. Consider and act upon approval of a purchase order to Azteca Systems, Inc. for the purchase of an Annual Update and Support for Cityworks asset management software. (IT/TJ)
20. Consider and act upon approval of a purchase order to Sundance Painting Inc. for installation of furnished wall covering and install wall liner, cleaning and sealing wood walls, and painting of various rooms within the Crozier house in the Heritage Center which is in the process of restoration. (CMO/TJ)

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

REGULAR AGENDA

21. Consider and act upon an Ordinance repealing Ordinance No. 96-10-10 regulating burglar, robbery, fire, medical emergency, panic alarms and regulating persons engaged in relaying alarm notification; providing for the issuance and revocation of permits and for the establishment of permit fees; providing an appeal procedure for permit denial or revocation, providing for the enforcement of such regulations, providing for the service charge fee for false alarms; allowing for response termination, providing savings, repealing and severability clauses, providing for the penalty for violations and an effective date. (Police) 09-12-67

Police Captain Darren Stevens addressed the Council regarding an Ordinance repealing Ordinance 96-10-10. He explained each change in the new ordinance and updates submitted for review this afternoon.

Present to answer questions were:

Stan Martin, Executive Director of Security Industry Alarm Coalition, and a resident of 13541 Stanmere Dr., Frisco; Dave Simon, 8880 Esters Blvd, Irving, Texas, with Broadview Security; and D'Andra Sanders, 7617 Brookview, Frisco, Texas, with ADT.

Bob Allen moved to approve an Ordinance repealing Ordinance No. 96-10-10

regulating burglary, robbery, fire, medical emergency, panic alarms and regulating persons engaged in relaying alarm notification; providing for the issuance and revocation of permits and for the establishment of permit fees; providing an appeal procedure for permit denial or revocation, providing for the enforcement of such regulations, providing for the service charge fee for false alarms; allowing for response termination, providing savings, repealing and severability clauses, providing for the penalty for violations and an effective date subject to changes submitted this afternoon. David Prince seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

22. Consider and act upon approval of an agreement with PMAM Corporation for Alarm Management Services and approval of a resolution authorizing the City Manager to execute this agreement. (Police/TJ)

Captain Darren Stevens addressed the Council regarding approval of an Agreement with PMAM Corporation for Alarm Management Services. 09-12-230R

Bob Allen moved to approve an agreement with PMAM Corporation for Alarm Management Services and approval of a resolution authorizing the City Manager to execute this agreement. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

23. Consider and Act Upon a Resolution Authorizing the City Manager to Execute an Agreement between the City and the Frisco Association for the Arts (Tabled October 6, 2009 & November 17, 2009) (Financial Services/AC) 09-12-231R

Finance Director, Anita Cothran, addressed the Council regarding authorization to execute Agreement with the Frisco Association for the Arts.

Citizens who spoke in favor:

Blane Cox, 3814 Wolf Creek Lane, Melissa

Larry Hansard, 1634 Torrey Pines Lane, Frisco

Cynthia Hurley, 8106 Fisher Dr., Frisco

In favor but did not wish to speak:

Wendy Williamson, 3339 W. Main St., Frisco

Bart Crowder moved to approve a Resolution Authorizing the City Manager to Execute an Agreement between the City and the Frisco Association for the Arts. David Prince seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Mayor Maso skipped back to the Citizen Input section.

24. Consider and act upon the appointment of one (1) Board Member to the Board of Adjustment/Construction Board of Appeals, representing one (1) "Member", and possible appointment of one (1) "Alternate 1" Member, one (1) "Alternate 2" Member, or one (1) "Alternate 3" Member. (CSO/JP)

City Secretary Jenny Page presented information on applicants for appointment.

Bob Allen moved to approve appointment of Mr. Eddie Duncan as a voting member and Mr. Jeff Kershaw as Alternate #3 to the Board of Adjustment/Construction Board of Appeals. Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

25. Public Hearing and Consider and Act Upon an Ordinance Expanding the Boundaries of the Reinvestment Zone Number One and Amending the Project Plan and the Financing Plan. (CMO/NL) 09-12-68

Assistant City Manager Nell Lange addressed the Council regarding a Public Hearing and an Ordinance Expanding the Boundaries of the Reinvestment Zone Number One and Amending the Project Plan and the Financing Plan.

Bob Allen moved to open the public hearing. Scott Johnson seconded.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

No one wished to speak.

Scott Johnson moved to close the public hearing. Bob Allen seconded.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Bob Allen moved to approve Public Hearing and an Ordinance Expanding the Boundaries of the Reinvestment Zone Number One and Amending the Project Plan and the Financing Plan. David Prince seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

26. Consider and act upon authorizing the City Manager to execute a contract for public affairs consulting services with HillCo Partners. (CMO/RP)

Assistant City Manager, Ron Patterson, addressed the Council regarding authorization to execute contract for Public Affairs Consulting Services with HillCo Partners.

David Prince moved to approve authorizing the City Manager to execute a contract for public affairs consulting services with HillCo Partners. Bob Allen seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

27. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Development Services. (Development Services)

There were no appeals.

28. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Engineering will update the City's website with project information on the Sam Rayburn Tollway and DNT Interchange.

29. Discussion on Governance Monitoring of present City Council Meeting.

Council member Prince gave the Council an A+.

ADJOURN

Scott Johnson moved to Adjourn at 8:07 p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon,
Bob Allen, David Prince;

Against: (None)

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary